

Before the  
Federal Communications Commission  
Washington, D.C. 20554

RECEIVED

MAY 27 1999

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

WT Docket No. 98-229

In the Matter of )

Cellular Telecommunications Industry )  
Association's Petition for Forbearance From )  
Commercial Mobile Radio Services Number )  
Portability Obligations )

and )

Telephone Number Portability )

DOCKET FILE COPY ORIGINAL

CC Docket No. 95-116

PETITION FOR RECONSIDERATION

MCI WorldCom Inc. ("MCI WorldCom") petitions the Federal Communications Commission ("Commission") for reconsideration of the *Memorandum Opinion and Order* in this proceeding.<sup>1</sup>

INTRODUCTION

In its *Memorandum Opinion and Order*, the Commission granted the request of the Cellular Telecommunications Industry Association ("CTIA") for forbearance from service provider local number portability ("LNP") requirements for broadband commercial mobile radio service ("CMRS") providers, until the end of the five-year buildout period for broadband personal communications service ("PCS") carriers.<sup>2</sup> In granting the petition, the Commission extended the deadline for CMRS providers to

<sup>1</sup> Cellular Telecommunications Industry Association's Petition for Forbearance from Commercial Mobile Radio Services Number Portability Obligations, Memorandum Opinion and Order, WT Docket No. 98-229, CC Docket No. 95-116 (adopted February 8, 1999; rel. February 9, 1999).

<sup>2</sup> Petition for Forbearance of the Cellular Telecommunications Industry Association (filed December 16, 1997) (Forbearance Petition).

support service provider LNP in the top 100 metropolitan statistical areas ("MSAs") until November 24, 2002. MCI WorldCom asks the Commission to reconsider that decision. Competitive parity and number resource optimization ("NRO") efforts require wireless LNP implementation no later than the previously ordered date of March 31, 2000.

Further, MCI WorldCom asks the Commission to require the CMRS industry and its members to report on a regular basis to the Commission regarding their implementation efforts. It is imperative that the wireless industry finally undertakes the requisite preparations to become LNP-capable and to implement location routing number (LRN) technology for the maximum NRO benefit for consumers. As evident from public discussions at North American Numbering Council (NANC) meetings, the wireless industry had taken no steps whatsoever to prepare for LNP implementation by the March 31, 2000 deadline. That deadline itself was a 9-month extension from the original deadline of June 30, 1999. It is crucial, therefore, that the Commission place substantive reporting requirements on wireless providers to guard against further foot-dragging in the implementation of Commission orders.

## DISCUSSION

### **I. THE COMMISSION MUST CONSIDER THE NEED FOR CMRS PARTICIPATION IN NUMBER RESOURCE OPTIMIZATION EFFORTS SUCH AS POOLING.**

Just prior to the Commission's granting of the CTIA petition on February 8, the North American Numbering Plan Administrator ("NANPA") demonstrated the need for all industry segments to participate in NRO efforts such as 1,000-block assignment and

pooling ("pooling") in a January 29<sup>th</sup> ex parte presentation<sup>3</sup> before the Common Carrier Bureau and the Wireless Telecommunications Bureau. The presentation addressed issues raised by the NANC report on NRO methods provided to the Commission on October 21.

Since then, the NANPA has produced a report on number exhaust. While many of the assumptions and conclusions are still being debated by the industry, it is clear that pooling can significantly extend the life of the numbering plan. In addition, pooling will be more effective the sooner it is implemented and the greater the number of industry segments that participate. Nonparticipation by wireless carriers will reduce the number conservation benefits of pooling. All industry segments must be directed to participate in more efficient number assignment practices.

The NANPA analysis demonstrates that the Commission must reconsider its decision and reinstate its March 31, 2000 deadline. It also demonstrates beyond question the need for pooling and consequently, the need to implement LRN technology necessary for pooling well before November 2002.

## II. THE COMMISSION MUST ORDER DETAILED WIRELESS INDUSTRY PREPARATION REPORTS

The Commission in its *Memorandum Opinion and Order* alerted the wireless industry that its decision to grant forbearance in no way "is intended to limit our ability to require wireless participation in pooling at an earlier date, if doing so were necessary to address specific number exhaust problems."<sup>4</sup>

---

<sup>3</sup> Lockheed Martin IMS Ex Parte Presentation, January 29, 1999.

<sup>4</sup> Memorandum Opinion and Order, WT Docket No. 98-229, CC Docket No. 95-116, para. 48.

Despite the clear language of the Commission's Order, the danger is great that the wireless industry will again employ the same delaying tactics it employed when faced with the prior unambiguous Commission Order on LNP implementation.

The wireless industry admitted as much in front of the March NANC meeting. A co-chair of the Wireless Number Portability Subcommittee (WNP SC) reported on the group's activities regarding LNP implementation:

"...On February 7, 1999, the WNP SC began working to identify the scope and logistics necessary for the wireless industry to implement local number portability. "Specifically, the WNP SC wanted to determine if and who the wireless industry could implement local number portability by March 2000. After determining when an NPAC (number portability administration center) change, known as Release 2.0, would be available and examining the time necessary for 'NPAC turn-up, intercarrier, and regression testing on this Release, it was decided that it would not be feasible for the entire wireless industry to implement number portability by March 2000.'"<sup>5</sup>

MCI WorldCom submits that February 7, 1999 is rather late to begin identifying what needs to be done to implement an Order that was first released in July 1996 with a June 30, 1999 deadline. During that time, CTIA gained for its members a 9-month delay to March 2000. When in December 1997, CTIA filed its second petition to forebear, for 5 years, the wireless industry had already received a clear Commission mandate to begin LNP implementation but chose to ignore it, confident that CTIA would win another delay. As CTIA had also asked for complete forbearance in its petition, no doubt some wireless providers are still doing nothing to implement LRN, betting that CTIA will win again and eventually convince the Commission that wireless LNP is not ever needed.

The March NANC meeting minutes also note that the WNP SC had been asked to report on the earliest date by which the wireless industry could participate in pooling. Yet as the meeting minutes show, "Instead, the WNP SC had only developed a schedule for wireless number portability implementation by using the implementation deadline specified by the FCC and working backwards. Although the date for wireless participation in pooling may turn out to be the same if a schedule is developed beginning March 16, 1999, and working forward, Mr. [Ron] Binz expressed doubt that the question asked by Chairman [Alan] Hasselwander had actually been answered."

Clearly, at best the wireless industry simply does not understand what is being expected or even asked of it by either the Commission or NANC. More likely, based on its history of deliberate inactivity, the wireless industry has again adopted the tactic of doing nothing to implement LNP, or even to share information about its efforts.

MCI WorldCom urges the Commission to require the top 10 wireless carriers to report quarterly in detail to the Commission on individual progress in implementing LNP. The Commission should seek comment from the public defining the operational milestones that are needed to identify and show progress toward meeting LNP implementation.

The first report, for example, should outline in detail all steps necessary to implement LNP in the carrier's network by Dec. 31, 1999. That way, if upon actually implementing the various steps, additional time is needed to meet the March 2000 deadline wireless carriers will have three additional months. Operational milestones must be listed showing that the necessary databases and software are being installed to allow ported customers to roam. Reports should also show progress toward the necessary

---

<sup>5</sup> North American Numbering Council Meeting Minutes, March 16-17, 1999.

arrangements for porting customers in and out of their networks and successfully completing internetwork calls to these customers. Service bureaus can be used to perform many of these functions.

Further, the Commission should require wireless carriers immediately to schedule all testing with the NPAC and other wireless/wireline carriers. Each carrier should provide the Commission with a master test schedule showing internal network testing, intercompany network testing and NPAC testing (or service bureau coordination and/or testing) with dates, times and objectives within 15 days after the Commission's order. Updates must be made quarterly showing test results. If, for any reason testing fails to occur a carrier must discuss in detail why tests were not conducted, provide the new test date and steps underway to make up the lost time.

MCI WorldCom urges that the reports be made to the Common Carrier Bureau as well as to the Wireless Telecommunications Bureau since the Common Carrier Bureau has extensive experience with LNP implementation.

Competition and consumer benefits dictate that wireless users enjoy the same ability to change service provider yet keep their same telephone numbers as wireline subscribers do. The Commission reached these conclusions three years ago in the first LNP order. They are no less valid today.

Consumers using wireless services should not be prevented from enjoying better rate plans or higher quality or broader range of service by the inconvenience and expense of having to change telephone numbers when changing providers.

### III. COMMISSION DEVELOPMENTS WILL NECESSITATE WIRELESS LNP

As further work develops on implementing Calling Party Pays (CPP), more wireless consumers will give their wireless telephone numbers out as freely as wireline telephone numbers are disclosed.

Commission Chairman William Kennard noted in a February 9 speech at the convention of the Cellular Telecommunications Industry Association in New Orleans that he believed "It's time for us to find a way to implement a calling party pays system in this country. Only five percent of phone calls are now made on mobile phone. I think that number would increase dramatically with a calling party pays system."

When the obligation to pay for incoming minutes is ended, it may well be that demand will increase for wireless telephones and that usage patterns will change as wireless users encourage more incoming calls. This increased demand will entail even greater pressure on the NANP's resources. According to the CTIA, there are 69.2 million wireless subscribers in the United States as of December 31, 1998.<sup>6</sup> The "churn" or transfer rate among the wireless industry was about 27 percent in 1997 but is expected to jump to 52 percent in 2002.<sup>7</sup> When more customers churn at a faster rate, LNP will be needed to prevent the needless consumption of telephone numbers.

In conclusion, wireless LRN implementation is necessary now not only to benefit consumers with increased choice, but also to further the Commission's goals for number optimization including but not limited to pooling. MCI WorldCom asks the Commission

---

<sup>6</sup> See WWW.CTIA.ORG, Wireless survey, Wireless Subscribership as of May 23, 1999.

<sup>7</sup> MCI WorldCom's comments in Common Carrier Bureau Seeks Comment on North American Numbering Council Report Concerning Telephone Number Pooling and Other Optimization measures, Public Notice, NSD File No. L-98-134, DA 98-2265 (December 21, 1998).

to rescind its forbearance and to order the wireless industry to implement LRN by March 31, 2000.

Respectfully submitted,

MCI WorldCom, Inc.

A handwritten signature in cursive script, appearing to read "Anne F. La Lena", written over a horizontal line.

Anne F. La Lena  
Henry G. Hultquist  
1801 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006  
(202) 887-3847

Date: May 27, 1999



## CERTIFICATE OF SERVICE

I, Barbara Nowlin, hereby certify that a copy of the foregoing Petition for Reconsideration of MCIWorldCom filed in WT Docket 98-229, CC Docket No. 95-116 was served by first class mail upon the following:

Honorable William E. Kennard\*\*  
Federal Communications Commission  
The Portals  
445 12th Street, S.W.  
8th Floor  
Washington, DC 20554

Harold Furchgott-Roth\*\*  
Federal Communications Commission  
The Portals  
445 12th Street, S.W.  
8th Floor  
Washington, DC 20554

Susan Ness\*\*  
Federal Communications Commission  
The Portals  
445 12th Street, S.W.  
8th Floor  
Washington, DC 20554

Michael Powell\*\*  
Federal Communications Commission  
The Portals  
445 12th Street, S.W.  
8th Floor  
Washington, DC 20554

Gloria Tristani\*\*  
Federal Communications Commission  
The Portals  
445 12th Street, S.W.  
8th Floor  
Washington, DC 20554

Kevin Gallagher  
Sr. Vice President and General Counsel  
360 Communications Co.  
8725 W. Higgins Road  
Chicago, IL 60631

Richard Metzger  
Emily M. Williams  
ALTS  
888 17th Street, N.W., Suite 900  
Washington, D.C. 20006

John T. Scott, III  
Crowell & Moring  
1001 Pennsylvania Ave., N.W.  
Washington, D.C. 20004  
(for Bell Atlantic Mobile)

M. Robert Sutherland  
Theodore Kingsley  
Bell South  
1155 Peachtree Street, Suite 1700  
Atlanta, GA 30309-3610

Michael F. Atschul  
Randall Coleman  
Cellular Telecommunications Industry Assoc.  
1250 Connecticut Ave., N.W., Suite 200  
Washington, D.C. 20036

Susan Smith  
Director, External Affairs  
Century Cellunet, Inc.  
3505 Summerhill Road  
No. 4 Summer Place  
Texarkana, TX 75501

Andre J. Lachance  
GTE Service Corp.  
1850 M Street, N.W., Suite 1200  
Washington, D.C. 20036

Robert S. Foosaner  
Nextel  
1450 G Street, N.W., Suite 425  
Washington, D.C. 20005

William S. Roughton, Jr.  
Associate General Counsel  
Primeco Personal Communications  
601 13th Street N.W.  
Suite 320 South  
Washington, D.C. 20005

Jeanne A. Fischer  
Senior Counsel  
Southwestern Bell Mobile Systems  
13075 Manchester Road  
St. Louis, MO 63131

Caressa D. Bennet  
Dorothy F. Cukier  
Bennet & Bennet  
1019 19th Street, N.W., Suite 500  
Washington, D.C. 20036  
(for Rural Telecommunications Group)

Pamela J. Riley  
Vice President, Federal Regulatory  
1818 N Street, N.W., Suite 900  
Washington, D.C. 20036

Elizabeth Sachs  
Lukas, Nace, Gutierrez & Sachs  
1111 19th Street, N.W., 12th Floor  
Washington, D.C. 20036  
(for American Mobile Telecommunications  
Assn.)

Dean Proctor  
Vice President Regulatory Affairs  
Microcell Telecommunications, Inc.  
1250 Rene-Levesque Blvd. West  
4th Floor  
Montreal, Quebec  
Canada H3B 4W8

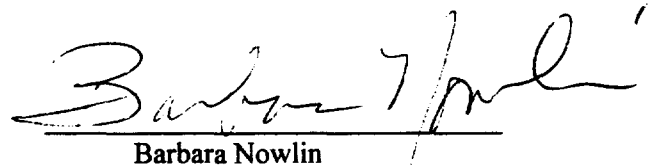
Judith St. Ledger-Roty  
Kelley Drye & Warren  
1200 19th Street, Suite 500  
Washington, D.C. 20036  
(for Paging Network, Inc.)

Peter M. Connolly  
Koteen & Naftalin  
1150 Connecticut Ave., N.W.  
Washington, D.C. 20036  
(for United States Cellular Corp.)

William J. Sill  
Jill Canfield  
Evans & Sill  
919 18th Street, N.W.  
Suite 700  
Washington, D.C. 20006  
(for Upstate Cellular Network)

International Transcription Services, Inc.  
1231 20th Street  
Washington, DC 20037

**\*\*Hand Delivery**

  
Barbara Nowlin